IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 26869 of 2003(W)

PETITIONERS:

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1. A. NEELAKANDAN, S/O. AYYAN,
AGED 42 YEARS, RESIDING IN ATTUVAYAL HOUSE,
NELLARACHAL P.O., VIA. AMBALAVAYAL,
WAYANAD, KERALA-673 593,
EX N.6.171 BN.BSF.

2. M. KRISHNAN, S/O. NARAYAN,
AGED 42 YEARS, MOODHI MOOLA HOUSE,
KANIYAMBADI P.O., VIA. MEENAMGADI,
WAYANAD, KERALA-673 592, EX NK.46BN.BSF.

BY ADV. SRI.GEORGE MATHEW
SRI.P.J.JOSEPH

RESPONDENTS:

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1. UNION OF INDIA REPRESENTED BY
THE SECRETARY, MINISTRY OF HOME
AFFAIRS, NORTH BLOCK, NEW DELHI.

2. THE PAY AND ACCOUNT OFFICER,
CENTRAL PENSION ACCOUNTING OFFICE, MINISTRY
OF FINANCE, GOVERNMENT OF INDIA,
TRIKOOT \-2, COMPLEX, BHIKAJI CAMA PLACE,
NEW DELHI-110 066.

3. DIRECTOR GENERAL BORDER SECURITY FORCE
BLOCK NO.10.C.G.O.COMPLEX,
LODHI ROAD P.O., NEW DELHI-3.

4. THE MANAGER, THE STATE BANK OF INDIA,
KAINATTY BRANCH, WAYANAD.

BY ADV. SRI.D.SOMASUNDARAM, ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C0 NO.26869/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO./ESTT/171/BSF/RESIG/7146-52 DT.21.6.96 ISSUED BY COM DT.171 BSF.

EXT.P2:- COPY OF THE P.P.O. NO.240559618646 DT.10.4.97 ISSUED BY THE 2ND RESPONDENT.

EXT.P2(a):- COPY OF THE P.P.O. NO.240559626414 DT. 16.12.96 ISSUED BY THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER TO THE 3RD RESPONDENT DT.19.9.01.

EXT.P3(a):- COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER TO THE 3RD RESPONDENT DT.19.9.01.

EXT.P4:- COPY OF THE JUDGMENT IN WA.NO.2424/02 DT.25.11.02 PASSED BY THIS HONOURABLE HIGH COURT.

.EXT.P5:- COPY OF THE ORDER NO.RULE/19/06/2003/RECTT./BSF/1270-78 DT.25.4.03 ISSUED BY THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE ORDER NO.CPAO/A-III/2002/2003/BSF/VOL-3/P-151 DT. 30.11.03 ISSUED TO THE 1ST PETITIONER.

EXT.P6(a):- COPY OF THE ORDER NO.CPAO/A-III/2002-03/BSF/VOL-3/P-152 DT.30.5.03 ISSUED TO THE 2ND PETITIONER.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

WP(C).No.26869/2003

Dated this the 8th day of December, 2006.

JUDGMENT

The matter of claim for pension under Rule 19 of the CCS (Pension) Rules is covered against the petitioners by the decision of the Supreme Court in Union of India and others vs. Rakesh Kumar (AIR 2001 SC 1877). The writ petition is dismissed.

(KURIAN JOSEPH)
JUDGE

pmn/

KURIAN JOSEPH,J.

OP.NO.

JUDGMENT

8th December,2006.